

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

PCT

TRANSLATION

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

(PCT Rule 43bis.1)

		Date of mailing (day/month/year)
Applicant's or agent's file reference 76650-P-PCT		FOR FURTHER ACTION See paragraph 2 below
International application No. PCT/JP2004/003817	International filing date (day/month/year) 22.03.2004	Priority date (day/month/year)
International Patent Classification (IPC) or both national classification and IPC		
Applicant MIMASU SEMICONDUCTOR INDUSTRY CO. LTD.		

1. This opinion contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I	Basis of the opinion
<input type="checkbox"/>	Box No. II	Priority
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI	Certain documents cited
<input type="checkbox"/>	Box No. VII	Certain defects in the international application
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/JP	Authorized officer
Facsimile No.	Telephone No.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/JP2004/003817

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
 a sequence listing
 table(s) related to the sequence listing
 - b. format of material
 in written format
 in computer readable form
 - c. time of filing/furnishing
 contained in the international application as filed.
 filed together with the international application in computer readable form.
 furnished subsequently to this Authority for the purposes of search.
3. In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/JP2004/003817

Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement																			
<p>1. Statement</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%; vertical-align: top; padding: 5px;">Novelty (N)</td> <td style="width: 50%; padding: 5px;">Claims <u>1-5</u></td> <td style="width: 25%; text-align: right; padding: 5px;">YES</td> </tr> <tr> <td style="vertical-align: top; padding: 5px;"> </td> <td style="padding: 5px;">Claims _____</td> <td style="text-align: right; padding: 5px;">NO</td> </tr> <tr> <td style="vertical-align: top; padding: 5px;">Inventive step (IS)</td> <td style="padding: 5px;">Claims _____</td> <td style="text-align: right; padding: 5px;">YES</td> </tr> <tr> <td style="vertical-align: top; padding: 5px;"> </td> <td style="padding: 5px;">Claims <u>1-5</u></td> <td style="text-align: right; padding: 5px;">NO</td> </tr> <tr> <td style="vertical-align: top; padding: 5px;">Industrial applicability (IA)</td> <td style="padding: 5px;">Claims <u>1-5</u></td> <td style="text-align: right; padding: 5px;">YES</td> </tr> <tr> <td style="vertical-align: top; padding: 5px;"> </td> <td style="padding: 5px;">Claims _____</td> <td style="text-align: right; padding: 5px;">NO</td> </tr> </table> <p>2. Citations and explanations:</p> <p>Document 1: JP, 1-309332, A (Toyo Electric Mfg. Co., Ltd.), 13 December, 1989 (13.12.89) Document 2: JP, 2002-86084, A (Sony Corp.), 26 March, 2002 (26.03.02)</p> <p>The subject matters of 1, 2 and 5 do not appear to involve an inventive step in view of documents 1 and 2 cited in the ISR.</p> <p>Document 1 (page 1, right column, line 8-page 2, upper left column, line 8) discloses a technique that obtains, on a trial basis, a reduction in etching rate resulting from having treated plural substrates and then adjusts the treatment time according to the obtained etching rate.</p> <p>On the other hand, although document 1 does not refer to the addition of an additive chemical to an etching liquid while, in the invention of document 1, a chemical with a reduced etching rate is considered subject to eventual disposal, it is well known in the art to restore the etching rate by adding a replenisher chemical to the etching liquid when the etching rate of etching liquid has changed relative to the substrate, as described in document 2, for example. So, in the invention disclosed in document 1, a person skilled in the art could have easily conceived of replenishing a chemical in the etching liquid showing a reduced etching rate.</p> <p>The subject matters of claims 3 and 4 do not appear to involve an inventive step in view of documents 1 and 2 cited in the ISR.</p> <p>Document 2 (paragraphs 17-43 and Figs. 5 and 6) discloses that, as regards the etching liquid having been replenished with chemical, its etching rate relative to substrates is measured.</p>			Novelty (N)	Claims <u>1-5</u>	YES		Claims _____	NO	Inventive step (IS)	Claims _____	YES		Claims <u>1-5</u>	NO	Industrial applicability (IA)	Claims <u>1-5</u>	YES		Claims _____	NO
Novelty (N)	Claims <u>1-5</u>	YES																		
	Claims _____	NO																		
Inventive step (IS)	Claims _____	YES																		
	Claims <u>1-5</u>	NO																		
Industrial applicability (IA)	Claims <u>1-5</u>	YES																		
	Claims _____	NO																		



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Date

08-11-2006

Reference EP43599TS900kja	Application No./Patent No. 04722390.4 - 2203 PCT/JP2004003817
Applicant/Proprietor Mimasu Semiconductor Industry Co., Ltd.	

Communication pursuant to Rules 109 and 110 EPC

(1) Amendment of application documents, especially the claims (R. 109 EPC)

The above mentioned international (Euro;PCT) application has entered the European phase, or can do so, once the necessary conditions are fulfilled.

Under Articles 28, 41 PCT, Rules 52, 78 PCT and Rule 86(2) to (4) EPC, the applicant may amend the application documents after receiving the international search report.

Whether or not he has already done so, he now has a further opportunity to file amended claims or other application documents within a non-extendable time limit of one month after notification of the present communication (R. 109 EPC).

The claims applicable on expiry of the above time limit, i.e. those filed on entry into the European phase or in response to the present communication, will form the basis for the calculation of any claims fee to be paid (see page 2) and for any supplementary search to be carried out under Article 157(2) EPC (R. 109 EPC).

**(2) Claims fees under Rule 110 EPC**

If the application documents on which the European grant procedure is to be based comprise more than ten claims, a claims fee shall be payable for the eleventh and each subsequent claim within the period provided for in Rule 107(1) EPC.

Based on the application documents currently on file, all necessary claims fees have already been paid (or the documents do not comprise more than 10 claims).

All necessary fees will be/have been debited automatically according to the automatic debit order.

The claims fee due for the claims to were not paid within the above-mentioned period.

Any non-paid claims fee, either based on the current set of claims or on any amended claims to be filed pursuant to Rule 109 EPC (see page 1), may still be validly paid within a non-extendable period of grace of one month after notification of this communication.

If a payment is made for only some of the claims, it must be indicated for which claims it is intended. If a claims fee is not paid in due time, the claim concerned is deemed to be abandoned (R. 110(4) EPC).

If claims fees have already been paid, but on expiry of the above-mentioned time limit there is a new set of claims containing fewer fee-incurring claims than previously, the claims fees in excess of those due under Rule 110(2), 2nd sentence, EPC will be refunded (R. 110(3) EPC).

You are reminded that any supplementary search under Article 157(2) EPC will relate only to the last set of claims applicable on expiry of the above time limit AND will be confined to those fee-incurring claims for which fees have been paid in due time.

The fee for the eleventh and each subsequent claim is EUR 45,00.

Receiving Section



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Date

08.11.06

Reference EP43599TS900kja	Application No./Patent No. 04722390.4 - 2203 PCT/JP2004003817
Applicant/Proprietor Mimasu Semiconductor Industry Co., Ltd.	

Notification of European publication number and information on the application of Article 67(3) EPC

You are hereby informed that the technical preparations for the publication of the translation of the above-mentioned international application as supplied to the EPO pursuant to Article 158(2) EPC have been completed.

The translation will be published on 06.12.06.

The publication number is: 1729332.

The publication in accordance with Article 158(3) EPC will be mentioned in European Patent Bulletin number 2006/49. (http://www.european-patent-office.org/e_pub/bulletin/index.htm).

The title of the invention in the three official languages of the European Patent Office is worded as follows:

ABLAUFPLANUNGS-STEUERVERFAHREN BEIM SPIN-ÄTZEN UND SPIN-ÄTZSYSTEM
SCHEDULE CONTROL METHOD IN SPIN ETCHING AND SPIN ETCHING SYSTEM
PROCEDE DE CONTRÔLE DE PROGRAMME DANS UN SYSTÈME DE GRAVURE SPIN ET
GRAVURE SPIN

The provisional protection under Article 67(1) and (2) EPC in the individual contracting states becomes effective only when the conditions referred to in Article 67(3) EPC have been fulfilled. For further information, also with respect to extension states, please refer to the EPO brochure "National Law relating to the EPC" (<http://www.european-patent-office/legal/national/index.htm>).

In all future communications to the EPO, please quote the application number as indicated above, i.e. including the final four figures (which identify the Directorate responsible for the subsequent procedure).

**REMARK:**

For European patent applications with a date of publication after 01.04.05, no paper copies will be forwarded to the applicant any longer. The publication can be downloaded, free of charge, from the EPO publication server <https://publications.european-patent-office.org> or can be ordered from the Vienna sub-office upon payment of a fee (see Decision of the President of the EPO dated 22 December 2004, OJ 2005, 124 and Notice from the EPO dated 22 December 2004 concerning the introduction of electronic publication of European patent applications (A-documents) and European patent specifications (B-documents) as well as changes to Rules 51(4), 54 and 108 EPC, OJ EPO 2005, 126).

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